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Docket No.: OMY-0056
(PATENT)

In re Patent Application of:
Takashi Yoshimine

Application No.: 10/568,424

Confirmation No.: 9347

Filed: February 14, 2006

Art Unit: 2872

For: OBJECT LENS AND CONDENSER

Examiner: T. Q. Nguyen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Restriction Requirement dated August 12, 2008, Applicant hereby provisionally elects, **with traverse**, Species I, Figures 1-3, for continued examination. Claims 1-8 encompass elected Species I.

Applicant traverses the Restriction Requirement since the examination of the claims of Species I and II poses no undue burden on the Examiner. Under §803 of the Manual of Patent Examining Procedure, if the search and examination of an entire application can be made without serious burden, the Examiner **must examine it on the merits, even though it includes claims to independent or distinct inventions**. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

Please note that Applicant reserves the right to rejoin non-elected claims and/or file divisional applications covering the subject matter of the non-elected species.

Application No. 10/568,424
Amendment dated September 11, 2008
Reply to Office Action of August 12, 2008

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. OMY-0056 from which the undersigned is authorized to draw.

Dated: September 11, 2008

Respectfully submitted,

By Carl Schaukowitch

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